

the trial in the State court of a defendant charged with murder committed within the limits of Pyramid Lake Indian Reservation, it was not shown that the description and plat had been filed as required by the statute. The defendant contended that the State court was without jurisdiction to try him because the United States had acquired jurisdiction over the lands pursuant to the Nevada statute above mentioned. He contended that the filing of the description and plat as required by the statute was a mere ministerial act, the omission of which did not prevent jurisdiction vesting in the United States under the statute. The Supreme Court of Nevada was not impressed with this view and held that jurisdiction over the Reservation had not passed from the State. The court said, "The proviso, in our opinion, was intended to be complied with to accomplish a completed cession of jurisdiction. Until such compliance the statute was a mere offer upon the part of the State to cede jurisdiction. The proviso provided the manner of acceptance."⁷ A similar provision in a Tennessee statute was construed by the Supreme Court of that State as a condition precedent to the vesting of jurisdiction in the United States.⁸

In a recent case the Supreme Court of Montana held, contrary to its decisions in former cases, that the filing of a metes and bounds description and of a map or plat of land purchased with the consent of the State, is a condition precedent to transfer of jurisdiction under a general cession statute of that State.⁹

In not all instances are provisions in State cession statutes for the filing of deeds and other documents construed as conditions precedent to the vesting of jurisdiction in the United States. Each statute must be construed in the light of the particular language used. A Connecticut statute, after authorizing the Governor of that State to cede jurisdiction over certain lands to the United States, enacted "That the deed or instrument of cession shall be recorded by the Secretary of State before its final delivery to the United States." The Attorney General of the United States held that this provision was not considered in the nature of a condition precedent but was a "mere formality not necessary to give jurisdiction."¹⁰

30. State statutes requiring deeds of cession by Governor.—Statutes of some States do not expressly grant jurisdiction to the United States, but, after consenting to the purchase of lands, provide that the Governor of the State may cede jurisdiction thereover to the United States. A Texas statute giving the consent of the State to the purchase of lands by United States provided that when the United States shall desire constitutional jurisdiction over such lands, "it shall be lawful for the Governor of this State,

⁷ *State v. Mendez*, 61 P. (2) 300, 303.

⁸ *Gill v. State*, 141 Tenn. 379, 210 S. W. 637.

⁹ *Valley County v. Thomas*, 97 P. (2) 345.

¹⁰ 13 Atty. Gen. 411.